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EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 02/08/2011. Claims 1-6, 8-13 and 15, 17 and 19-30 are pending. Claims 1, 4, 8, 10-12, 15, 17, 20,21 and 23-27 are amended. Claim 7, 14, 16 and 18 are canceled. Claims 28-30 are added.

Response to Arguments

2. Applicant's arguments regarding claims 1-6, 8-13 and 15, 17 and 19-30, filed 02/08/2011, have been considered, but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **1, 3-5, 8, 10-12, 15, 17** and **19-30** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougherty et al. in view of Picco et al.

Referring to claim **1**, Dougherty et al. discloses a method, comprising:

- receiving one or more unmodified video data streams comprised of television content (local network affiliate receives video from national broadcaster)(col. 7, l. 20-35);

- creating one or more integrated video data streams by integrating interactive content into the one or more unmodified video data streams (network affiliate's application server uses the EPG database to determine which interactive applications should be broadcast on a particular channel in a particular location at a particular time and retrieves the interactive applications corresponding to the particular channel, location, and time from the interactive content database. The application is then formatted and inserted into the broadcast signal)(col. 7, l. 48-67; col. 11, l. 10-32, 60-65; & col. 13, l. 25-33);
- transmitting the one or more integrated video data streams to one or more receiving devices having the particular geographic location for simultaneous display of the interactive content with the television content (col. 12, l. 29-43, 60-63 & col. 15, l. 41-45).

Dougherty et al. does not specifically disclose wherein the interactive content is customized according to one or more rules targeting a particular geographic location. Picco et al. discloses wherein the interactive content is customized according to one or more rules (the system also provides a method for gathering data about the preferences of a user so that the type of local content stored on the set-top box may be customized to the user so that the user views only certain local content...) (col.3, l. 30-38) targeting a particular geographic location (a plurality of pieces of local content individualized to the user of a particular set-top box is provided so that the local content may be targeted to a particular type of user, a particular geographic area or the like)(col.12, l. 45-49).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the method of Dougherty et al. to include wherein the

interactive content is customized according to one or more rules targeting a particular geographic location, such as that taught by Picco et al. in order to provide targeted content to its users wherein the content is under the control of the broadcaster (Picco et al. col. 2, l. 49-58).

Referring to claim **3**, Dougherty et al. in view of Picco et al. disclose the method of claim 1, further comprising using data associated with the interactive content and data associated with the television content to link the interactive content with the television content (Dougherty et al. col. 11, l. 17-27 & col. 13, l. 25-33).

Referring to claim **4**, Dougherty et al. in view of Picco et al. disclose the method of claim 1, further comprising displaying the one or more integrated video data streams at the one or more receiving devices located in the particular geographic location to allow a user to interact with the interactive content (Dougherty et al. col. 15, l. 41-45 & col. 16, l. 13-17, 30-44).

Referring to claim **5**, Dougherty et al. in view of Picco et al. disclose the method of claim 1, wherein integrating the interactive content into the one or more unmodified video data streams includes integrating the interactive content with the television content without modifying the interactive content and the television content (Dougherty et al. col. 11, l. 60-67 & col. 12, l. 1-4).

Referring to claim **8**, Dougherty et al. discloses a system comprising one or more processors and memory storing machine readable instructions that when executed by one or more processors configure (col. 14, l. 36-58) the system to: create one or more integrated video data streams by integrating interactive content into one or more unmodified video data streams comprised of television content (col. 7, l. 48-67 & col. 11,

l. 10-32, 60-65), and transmit the one or more integrated video data streams to one or more receiving devices located in the particular geographic location (col. 13, l. 25-33) for simultaneous display of the interactive content with the television content (col. 15, l. 41-45).

Dougherty et al. does not specifically disclose wherein the interactive content is customized according to one or more rules targeting a particular geographic location. Picco et al. discloses wherein the interactive content is customized according to one or more rules (the system also provides a method for gathering data about the preferences of a user so that the type of local content stored on the set-top box may be customized to the user so that the user views only certain local content...) (col.3, l. 30-38) targeting a particular geographic location (a plurality of pieces of local content individualized to the user of a particular set-top box is provided so that the local content may be targeted to a particular type of user, a particular geographic area or the like)(col.12, l. 45-49).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the system of Dougherty et al. to include wherein the interactive content is customized according to one or more rules targeting a particular geographic location, such as that taught by Picco et al. in order to provide targeted content to its users wherein the content is under the control of the broadcaster (Picco et al. col. 2, l. 49-58).

Referring to claim **10**, Dougherty et al. in view of Picco et al. disclose the system of claim 8, wherein the instructions when executed by the one or more processors further configure (col. 14, l. 36-58) the system to:

- store data associated with the interactive content and data associated with the

television content (Dougherty et al. col. 11, l. 17-27 & col. 13, l. 25-33); and

- link the interactive content with the television content based on the data stored in the storage unit (Dougherty et al. col. 11, l. 17-27 & col. 13, l. 25-33).

Referring to claim **11**, Dougherty et al. in view of Picco et al. disclose the system of claim 8, wherein the instructions when executed by the one or more processors further configure (col. 14, l. 36-58) the system to:

- receive the one or more integrated video data streams (Dougherty et al. col. 13, l. 54-67 & col. 14, l. 1-7); and
- display the one or more integrated video data streams and to allow a user to interact with the interactive content (Dougherty et al. col. 14, l. 25-30 & col. 15, l. 23-45).

Referring to claim **12**, Dougherty et al. in view of Picco et al. disclose the system of claim 8, wherein the creating of the one or more integrated video data streams includes integrating the interactive content with the television content without modifying the interactive content and the television content (Dougherty et al. col. 11, l. 60-67 & col. 12, l. 1-4).

Referring to claim **15**, Dougherty et al. discloses a method for processing one or more video data streams, the method comprising:

- receiving one or more unmodified video data streams (local network affiliate receives video from national broadcaster)(col. 7, l. 20-35);
- downloading interactive content (col. 7, l. 48-59; col. 8, l. 57-62; & col. 11, l. 10-22);
- integrating, the interactive content with the one or more unmodified video

data streams to create one or more integrated video data streams (network affiliate's application server uses the EPG database to determine which interactive applications should be broadcast on a particular channel in a particular location at a particular time and retrieves the interactive applications corresponding to the particular channel, location, and time from the interactive content database. The application is then formatted and inserted into the broadcast signal)(col. 7, l. 48-67; col. 11, l. 10-32, 60-65; & col. 13, l. 25-33); and

- transmitting the one or more integrated video data streams to one or more receiving devices located in the particular geographic location for simultaneous display of the interactive content with the one or more unmodified video data streams (col. 12, l. 29-43, 60-63 & col. 15, l. 41-45).

Dougherty et al. does not specifically disclose interactive content customized according to one or more rules targeting a particular geographic location.

Picco et al. discloses interactive content customized according to one or more rules (the system also provides a method for gathering data about the preferences of a user so that the type of local content stored on the set-top box may be customized to the user so that the user views only certain local content...) (col.3, l. 30-38) targeting a particular geographic location (a plurality of pieces of local content individualized to the user of a particular set-top box is provided so that the local content may be targeted to a particular type of user, a particular geographic area or the like)(col.12, l. 45-49).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the method of Dougherty et al. to include interactive

content customized according to one or more rules targeting a particular geographic location, such as that taught by Picco et al. in order to provide targeted content to its users wherein the content is under the control of the broadcaster (Picco et al. col. 2, l. 49-58).

Referring to claim **19**, Dougherty et al. in view of Picco et al. disclose the method of claim 15, further comprising defining the particular geographic location to target receiving devices associated with a specific market or group (Dougherty et al. col. 13, l. 25-33 & col. 16, l. 30-44).

Referring to claim **20**, Dougherty et al. discloses a system comprising one or more processors and memory storing machine readable instructions that when executed by one or more processors configure (col. 14, l. 36-58) the system to:

- receive one or more unmodified video data streams (local network affiliate receives video from national broadcaster)(col. 7, l. 20-35);
 - download interactive content (col. 7, l. 48-59; col. 8, l. 57-62; & col. 11, l. 10-22);
 - integrate, the interactive content with the one or more unmodified video data streams to create one or more integrated video data streams (network affiliate's application server uses the EPG database to determine which interactive applications should be broadcast on a particular channel in a particular location at a particular time and retrieves the interactive applications corresponding to the particular channel, location, and time from the interactive content database. The application is then formatted and inserted into the broadcast signal)(col. 7, l. 48-67; col. 11, l. 10-32, 60-65; & col. 13, l. 25-33);
- and

- transmit the integrated video data streams to one or more receiving devices located in the particular geographic location for simultaneous display of the interactive content with the one or more unmodified video data streams (col. 12, l. 29-43, 60-63 & col. 15, l. 41-45).

Dougherty et al. does not specifically disclose interactive content customized according to one or more rules targeting a particular geographic location.

Picco et al. discloses interactive content customized according to one or more rules (the system also provides a method for gathering data about the preferences of a user so that the type of local content stored on the set-top box may be customized to the user so that the user views only certain local content...) (col.3, l. 30-38) targeting a particular geographic location (a plurality of pieces of local content individualized to the user of a particular set-top box is provided so that the local content may be targeted to a particular type of user, a particular geographic area or the like)(col.12, l. 45-49).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the system of Dougherty et al. to include interactive content customized according to one or more rules targeting a particular geographic location, such as that taught by Picco et al. in order to provide targeted content to its users wherein the content is under the control of the broadcaster (Picco et al. col. 2, l. 49-58).

Referring to claim **21**, Dougherty et al. in view of Picco et al. disclose the system of claim 20, wherein the one or more receiving devices located in the particular geographic location include a set-top box (Dougherty et al. col. 13, l. 52-57).

Referring to claim **22**, Dougherty et al. in view of Picco et al. disclose the system of claim 20, wherein the one or more unmodified video data streams include television

commercial content (Dougherty et al. col. 7, l. 28 & col. 9, l. 55-62).

Referring to claim **23**, Dougherty et al. in view of Picco et al. disclose the system of claim 20, wherein the instructions when executed by the one or more processors further configure (col. 14, l. 36-58) the system to: define the particular geographic location to target receiving devices associated with a specific market or group (Dougherty et al. col. 13, l. 25-33 & col. 16, l. 30-44).

Referring to claim **24**, Dougherty et al. discloses a non-transitory machine-readable medium storing instructions, which if executed by one or more processors, causes the processor to perform an operation (col. 14, l. 36-58), comprising:

- creating one or more integrated video data streams by integrating, interactive content with one or more unmodified video data streams comprised of television content (network affiliate's application server uses the EPG database to determine which interactive applications should be broadcast on a particular channel in a particular location at a particular time and retrieves the interactive applications corresponding to the particular channel, location, and time from the interactive content database. The application is then formatted and inserted into the broadcast signal)(col. 7, l. 48-67; col. 11, l. 10-32, 60-65; & col. 13, l. 25-33); and
- transmitting the one or more integrated video data streams to one or more receiving devices located in the particular geographic location for simultaneous display of the interactive content with the television content (col. 12, l. 29-43, 60-63 & col. 15, l. 41-45).

Dougherty et al. does not specifically disclose wherein the interactive content is customized according to one or more rules targeting a particular geographic location.

Picco et al. discloses wherein the interactive content is customized according to one or more rules (the system also provides a method for gathering data about the preferences of a user so that the type of local content stored on the set-top box may be customized to the user so that the user views only certain local content...) (col.3, l. 30-38) targeting a particular geographic location (a plurality of pieces of local content individualized to the user of a particular set-top box is provided so that the local content may be targeted to a particular type of user, a particular geographic area or the like)(col.12, l. 45-49).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the non-transitory machine-readable medium of Dougherty et al. to include wherein the interactive content is customized according to one or more rules targeting a particular geographic location, such as that taught by Picco et al. in order to provide targeted content to its users wherein the content is under the control of the broadcaster (Picco et al. col. 2, l. 49-58).

Referring to claim **25**, Dougherty et al. in view of Picco et al. disclose the non-transitory machine-readable medium of claim 24, further providing instructions, which if executed by the one or more processors, cause the one or more processors to perform an operation comprising using data associated with the interactive content and data associated with the television content to link the interactive content with the television content (Dougherty et al. col. 11, l. 17-27 & col. 13, l. 25-33).

Referring to claim **26**, Dougherty et al. in view of Picco et al. disclose the non-

transitory machine-readable medium of claim 24, further providing instructions, which if executed by the one or more processors, cause the one or more processors to perform an operation comprising displaying the one or more integrated video data streams at the one or more receiving devices having the particular geographic location to allow a user to interact with the interactive content (Dougherty et al. col. 14, l. 25-30 & col. 15, l. 23-45).

Referring to claim **27**, Dougherty et al. discloses a non-transitory machine-readable medium storing instructions, which if executed by one or more processors, causes the processor to perform an operation (col. 14, l. 36-58), comprising:

- receiving one or more unmodified video data streams (local network affiliate receives video from national broadcaster)(col. 7, l. 20-35);
- downloading interactive content (col. 7, l. 48-59; col. 8, l. 57-62; & col. 11, l. 10-22);
- integrating, the interactive content with the one or more unmodified video data streams to create one or more integrated video data streams (network affiliate's application server uses the EPG database to determine which interactive applications should be broadcast on a particular channel in a particular location at a particular time and retrieves the interactive applications corresponding to the particular channel, location, and time from the interactive content database. The application is then formatted and inserted into the broadcast signal)(col. 7, l. 48-67; col. 11, l. 10-32, 60-65; & col. 13, l. 25-33);
and
- transmitting the one or more integrated video data streams to one or more receiving devices located in the particular geographic location for

simultaneous display of the interactive content with the one or more unmodified video data streams (col. 12, l. 29-43, 60-63 & col. 15, l. 41-45).

Dougherty et al. does not specifically disclose interactive content customized according to one or more rules targeting a particular geographic location.

Picco et al. discloses interactive content customized according to one or more rules (the system also provides a method for gathering data about the preferences of a user so that the type of local content stored on the set-top box may be customized to the user so that the user views only certain local content...) (col.3, l. 30-38) targeting a particular geographic location (a plurality of pieces of local content individualized to the user of a particular set-top box is provided so that the local content may be targeted to a particular type of user, a particular geographic area or the like)(col.12, l. 45-49).

It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the non-transitory machine-readable medium storing instructions of Dougherty et al. to include interactive content customized according to one or more rules targeting a particular geographic location, such as that taught by Picco et al. in order to provide targeted content to its users wherein the content is under the control of the broadcaster (Picco et al. col. 2, l. 49-58).

Referring to claim **28**, Dougherty et al. in view of Picco et al. disclose the method of claim 1, wherein the creating of the one or more integrated video data streams occurs in real-time with the transmitting of the one or more integrated video data streams (Picco et al. col. 8, l. 56-66).

Referring to claim **29**, Dougherty et al. in view of Picco et al. disclose the system of claim 8, wherein the creating of the one or more integrated video data streams occurs in

real-time with the transmitting of the one or more integrated video data streams (Picco et al. col. 8, l. 56-66).

Referring to claim **30**, Dougherty et al. in view of Picco et al. disclose the non-transitory machine-readable medium of claim 30, the instructions, when executed by one or more processors, causes the one or more processors to perform the creating of the one or more integrated video data streams in real-time with the transmitting of the one or more integrated video data streams (Picco et al. col. 8, l. 56-66).

5. Claims **2, 6, 9, 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Dougherty et al. in view of Picco et al. further in view of Blackketter et al.

Referring to claims **2, 6, 9, and 13**, Dougherty et al. in view of Picco et al. disclose the method/system of claims 1 and 8, wherein the interactive content includes Internet content (and the television content includes television commercial content (Dougherty et al. col. 7, l. 27-28 & col. 8, l. 57-62). Dougherty et al. in view of Picco et al. do not specifically disclose that the interactive content being combined with the television commercial content is Internet advertising content. Dougherty et al. in view of Picco et al. further do not specifically disclose that the interactive content includes an advertising banner. Blackketter et al. discloses embedding an interactive advertisement summary into a television commercial for broadcast (col. 7, l. 60-67). The advertisement summary contains hyperlinks to additional information of interest (col. 6, l. 53-67 & col. 7, l. 1). For example, a broadcast television commercial may be sponsored by a cruise line and an interactive advertisement related to the commercial may be displayed (col. 4,

l. 41-46 & Fig. 4). The examiner interprets the custom ad of Figure 4 to be an advertising banner. A user might select hyperlink 490 to establish an Internet connection to a server to obtain additional information about the advertised cruise (col. 7, l. 2-4). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the Internet content of Dougherty et al. in view of Picco et al. to include Internet advertising content, such as that taught by Blackketter et al. in order to provide a better user interactive advertising experience (Blackketter et al. col. 3, l. 4-6).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alazar Tilahun whose telephone number is (571) 270-5712. The examiner can normally be reached on 9:00am-6:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A. T.

Examiner, Art Unit 2424

/Christopher Kelley/

Supervisory Patent Examiner, Art Unit 2424